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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,745

07/11/2008

Jordi Relats Manent

27612U

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08/03/2011

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1782

MAIL DATE

DELIVERY MODE

08/03/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,745	Applicant(s) RELATS MANENT ET AL.	
	Examiner MARC PATTERSON	Art Unit 1782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/11.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1 – 5 as being anticipated by Russek et al. (U.S. Patent No. 5,712,010), of record on page 2 of the previous Action, is withdrawn.
2. The 35 U.S.C. 103(a) rejection of Claims 6 – 8 as being unpatentable over Russek et al. (U.S. Patent No. 5,712,010) in view of Lively (U.S. Patent Application Publication No. 2002/0066491 A1), of record on page 2 of the previous Action, is withdrawn.

NEW REJECTIONS

Claim Rejections – 35 USC § 102(b)

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3 - 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lintecum et al. (U.S. Patent Application Publication No. 2002/0045395 A1).

With regard to Claim 1, Lintecum et al disclose a tube (column 1, lines 36 - 39) comprising a plurality of threads that are braided (paragraph 0070) having an oval cross section (paragraph 0070), therefore a thickness of the cross section of the threads that is greater than a thickness of a perpendicular cross section. Because Lintecum et al disclose a tube that is identical to the claimed tube, the claimed aspect of the tube being protective is inherent to Lintecum et al.

With regard to Claims 3 - 5, the threads are made from a polymeric material comprising polyester or polyamide (nylon; paragraph 0070).

Claim Rejections – 35 USC § 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lintecum et al (U.S. Patent Application Publication No. 2002/0045395 A1).

Lintecum et al disclose a tube as discussed above. Lintecum et al fail to disclose a thickness of a cross section that is 1.5 greater than a perpendicular cross section. However, it would have been obvious for one of ordinary skill in the art to select a thickness ratio depending on the desired strength of the end product.

7. Claims 6 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintecum et al (U.S. Patent Application Publication No. 2002/0045395 A1) in view of Lively (U.S. Patent Application Publication No. 2002/0066491 A1).

Lintecum et al disclose a tube comprising threads are discussed above. With regard to Claims 6 - 8, Lintecum et al fail to disclose threads comprising polyethylene, polypropylene and phenylene polysulphide.

Lively teaches polyethylene, polypropylene, or phenylene polysulphide in the making of threads (fibers; paragraph 0017) that are insulating (paragraph 0017) for the purpose of obtaining threads for insulation of a pipe (paragraph 0003).

It therefore would have been obvious for one of ordinary skill in the art to provide for threads comprising polyethylene, polypropylene and phenylene polysulphide in Lintecum et al in order to obtain threads for insulation of a pipe as taught by Lively.

ANSWERS TO APPLICANT'S ARGUMENTS

8. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 1 – 5 as being anticipated by Russek et al. (U.S. Patent No. 5,712,010) and 35 U.S.C. 103(a) rejection of Claims 6 – 8 as being unpatentable over Russek et al. (U.S. Patent No. 5,712,010) in view of Lively (U.S. Patent Application Publication No. 2002/0066491 A1), of record in the previous Action, have been carefully considered and have been found to be persuasive. The rejections are therefore withdrawn. The new rejections above are directed to amended Claims 1 – 8.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1782